

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN ALLAN WALTERS**, on March 8, 2001 at 8:00 A.M., in Room 455 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Allan Walters, Chairman (R)  
Rep. Debby Barrett, Vice Chairman (R)  
Rep. Tom Dell, Vice Chairman (D)  
Rep. Norma Bixby (D)  
Rep. Dee Brown (R)  
Rep. Donald L. Hedges (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Jent (D)  
Rep. Michelle Lee (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Gay Ann Masolo (R)  
Rep. Alan Olson (R)  
Rep. Holly Raser (D)  
Rep. Rick Ripley (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)

**Members Excused:** Rep. Douglas Mood (R)

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Ruthie Padilla, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted:  
Executive Action: SB 228; SB 90; SB 10; SB 131;  
SB 236; SB 184; SB 185

**EXECUTIVE ACTION ON SB 228**

***{Tape : 1; Side : A; Approx. Time Counter : 1.4}***

**Motion:** REP. MASOLO moved that SB 228 BE CONCURRED IN.

**Discussion:**

**REPRESENTATIVE BROWN** commented that eventually they want to consolidate these retirement systems so there won't be seven and this will start funneling that down so that it can be done.

**REPRESENTATIVE MASOLO** stated, health insurance is such an issue on retirement anymore, she does see people retiring at the age of 50.

**REPRESENTATIVE SCHRUMPF** said she took the ride along with the Montana Highway Patrol and had an experience of a life time. She feels the highway patrol deserve anything the committee can give them.

**Motion:** REP. MASOLO moved that SB 228 BE CONCURRED IN. **Vote:**  
Motion **carried unanimously.** 18-0

**EXECUTIVE ACTION ON SB 90**

***{Tape : 1; Side : A; Approx. Time Counter : 6.7}***

**Motion:** REP. MASOLO moved that SB 90 BE CONCURRED IN.

**Discussion:**

**REPRESENTATIVE BROWN** said she feels the bill is a good thing for Montana businesses.

**REPRESENTATIVE DELL** said we really have to start looking at selling outside the state of Montana. They need to look at how they want to be economically verses trying to make it with the economy of their own people. He feels that is not going to get businesses anywhere. This bill will help open up a lot more opportunities for businesses, therefore, he is in support of the bill.

**Motion:** REP. MASOLO moved that SB 90 BE CONCURRED IN. **Vote:**  
Motion **carried unanimously.** 18-0

**EXECUTIVE ACTION ON SB 10**

*{Tape : 1; Side : A; Approx. Time Counter : 11.5}*

**Motion:** REP. BROWN moved that SB 10 BE CONCURRED IN.

**Motion:** REP. HEDGES moved that SB 10 BE AMENDED.

**EXHIBIT**(sth53a01)

**Discussion:**

**Sheri Heffelfinger** discussed the amendments with the committee

**Motion:** REP. HEDGES moved that SB 10 BE AMENDED. **Vote:** Motion carried unanimously. 18-0

**Motion/Vote:** REP. MOOD moved that SB 10 BE AMENDED.

**EXHIBIT**(sth53a02) Motion carried unanimously. 18-0

**Motion:** REP. JENT moved that SB 10 BE CONCURRED IN AS AMENDED.

**Discussion:**

**REPRESENTATIVE BROWN** asked if each Representative and Senator will be on an interim committee. **REPRESENTATIVE MOOD** replied no

**Motion:** REP. JENT moved that SB 10 BE CONCURRED IN AS AMENDED.

**Vote:** Motion carried unanimously. 18-0

**EXECUTIVE ACTION ON SB 131**

*{Tape : 1; Side : A; Approx. Time Counter : 22.2}*

**Motion:** REP. MASOLO moved that SB 131 BE CONCURRED IN.

**Discussion:**

**REPRESENTATIVE HEDGES** said during the hearing he was reluctant to the bill because of the exemption, but had some private discussions with several parties after the hearing and is going to support the legislation as written.

**REPRESENTATIVE BROWN** asked **Tony Herbert** about the fiscal note and FTE's. **Tony Herbert** replied, the two FTE's were for planning and they do not believe it is needed.

**REPRESENTATIVE LEHMAN** asked if there can be an advisory note attached to the bill if passed out the committee about striking the 2 FTE's. **Sheri Heffelfinger** replied, the only way to do an attachment is to do an amendment directly to the bill.

**REPRESENTATIVE LEHMAN** told the committee he is getting tired of the University System exempting them selves from everything that comes up. He can see it is needed from time to time, but not all the time.

**Motion:** REP. MASOLO moved that SB 131 BE CONCURRED IN. **Vote:**  
Motion carried 16-2 with Ripley and Smith voting no.

#### **EXECUTIVE ACTION ON SB 236**

*{Tape : 1; Side : B; Approx. Time Counter : 4.6}*

**Motion:** REP. OLSON moved that SB 236 BE CONCURRED IN.

#### **Discussion:**

**Mike O'Connor** told the committee there will be no fiscal note because the money was appropriated last year for the bill. They are just waiting for the bill to pass.

**Motion:** REP. OLSON moved that SB 236 BE CONCURRED IN. **Vote:**  
Motion carried unanimously. 18-0

#### **EXECUTIVE ACTION ON SB 184**

*{Tape : 1; Side : B; Approx. Time Counter : 8.4}*

**Motion:** REP. MASOLO moved that SB 184 BE CONCURRED IN.

**Motion/Vote:** REP. DELL moved that SB 184 BE AMENDED.

**EXHIBIT**(sth53a03) Motion carried unanimously.

**Motion:** REP. OLSON moved that SB 184 BE CONCURRED IN AS AMENDED.  
**Vote:** Motion carried unanimously. 18-0



**EXECUTIVE ACTION ON SB 185**

*{Tape : 1; Side : B; Approx. Time Counter : 14.1}*

**Motion:** REP. MASOLO moved that SB 185 BE CONCURRED IN.

**Motion:** REP. BROWN moved that SB 185 BE AMENDED.

**EXHIBIT**(sth53a04)

**Discussion:**

REPRESENTATIVE BROWN discussed her amendment with the committee and explained the change to the bill.

**Motion:** REP. BROWN moved that SB 185 BE AMENDED. **Vote:** Motion carried unanimously. 18-0

**Motion:** REP. MASOLO moved that SB 185 BE AMENDED.

**EXHIBIT**(sth53a05)

**Discussion:**

REPRESENTATIVE MASOLO discussed the amendment with the committee.

**Substitute Motion:** REP. DELL made a substitute motion that SB 185 BE AMENDED. **EXHIBIT**(sth53a06)

**Discussion:**

Sheri Heffelfinger explained the amendment would be taking out the current definition of local government and putting in a definition of a political subdivision and adding school district.

REPRESENTATIVE OLSON asked why will only Legislatures be excluded from the bill. REPRESENTATIVE DELL replied because Legislatures currently have significant ethical guidelines already.

REPRESENTATIVE OLSON asked where the ethical guidelines for legislature were. REPRESENTATIVE JENT said the ethical requirements are in Title 2, Chapter 2, and Part 1 for legislatures.

REPRESENTATIVE JENT stated that parts of the bill were good but there are parts he is unsure about as they pertain to public officers and public employees and the idea of prohibiting elected political officials from doing what elected politicians do. He

feels they should strike the parts about public officers or to not pass the bill.

**REPRESENTATIVE OLSON** asked **Linda Voughey** if there are different laws legislatures have to abide by in regards to ethics than other elected officials. **Linda Voughey** replied a code of ethics under her jurisdiction extends to legislatures only in areas that does not include legislative action.

**REPRESENTATIVE HEDGES** said another significant portion of the bill removes the criminal statute and makes it a civil penalty.

**REPRESENTATIVE DELL** asked if legislatures were originally intended to be part of the bill. **Linda Voughey** replied no.

**REPRESENTATIVE RASER** stated she feels both the amendments are trying to do the same thing. She then asked for clarification. **Mr. Shire** replied, **REPRESENTATIVE MASOLO'S** amendment would eliminate the reference to public officer which would effect **REPRESENTATIVE DELL'S** amendment because his amendment still retains the definition of public officer. **REPRESENTATIVE RASER** then asked how **REPRESENTATIVE DELL'S** amendment addresses or clarifies the issue. **Mr. Shire** said he feels **REPRESENTATIVE DELL'S** amendment is a good amendment because rather than including a definition or reference to local government officers, it refers back to the definition to political subdivisions and school districts.

**REPRESENTATIVE RASER** said she is going to support **REPRESENTATIVE DELL'S** amendment because she is comfortable with what it is going to do.

**Substitute Motion:** **REP. DELL** made a substitute motion that **SB 185 BE AMENDED**. **Vote:** Motion **carried 16-2 with Brown and Olson** voting no.

**Motion:** **REP. RASER** moved that **SB 185 BE AMENDED**.  
**EXHIBIT** (sth53a07)

**Discussion:**

**Sherif Heffelfinger** explained the amendment to the committee. The amendment will say after a complaint is filed with the commissioner, the commission will not have to go through the process of issuing an order. The commissioner will review the records and decide whether there is non-compliance and will issue an order of non-compliance.

**Motion:** REP. RASER moved that **SB 185 BE AMENDED**. **Vote:** Motion carried unanimously. 18-0

**Motion:** REP. MASOLO moved that **SB 185 BE AMENDED**.

**Discussion:**

**REPRESENTATIVE MASOLO** said she believes the bill is too broad and would be unworkable for the governor or attorney general because they would be violating the bill.

**REPRESENTATIVE OLSON** commented she highly agrees with **REPRESENTATIVE MASOLO**.

**REPRESENTATIVE LEE** said she would like to have an overview of the amendments and how they interact with the current law. She feels there is not a single person in the committee who fully understands the bill.

**Motion:** REP. LEE made a substitute motion that **EXECUTIVE ACTION** to **SB 185 BE POST PHONED** until next Tuesday.

**CHAIRMAN WALTERS** ruled the motion to be out of order.

**Sheri Heffelfinger** discussed motions and amendments with the committee.

**Motion:** REP. MASOLO moved to **WITHDRAW** her motion that **SB 185 BE CONCURRED IN**.



**ADJOURNMENT**

Adjournment: 10:05 A.M.

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REP. ALLAN WALTERS, Chairman

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RUTHIE PADILLA, Secretary

AW/RP

**EXHIBIT (sth53aad)**